

1 SENATE BILL 145

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Cynthia Nava

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

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10 AN ACT

11 RELATING TO EDUCATIONAL RETIREMENT; ELIMINATING THE END DATE
12 FOR RETURN TO WORK UNDER THE EDUCATIONAL RETIREMENT ACT;
13 RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN
14 LAWS 2003.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. Section 22-11-25.1 NMSA 1978 (being Laws 2001,
18 Chapter 283, Section 2, as amended by Laws 2003, Chapter 80,
19 Section 1 and by Laws 2003, Chapter 145, Section 1) is amended
20 to read:

21 "22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS CONTINUED--
22 ADMINISTRATIVE UNIT CONTRIBUTIONS.--

23 A. Except as provided in Subsections B and E of
24 this section, beginning January 1, 2002 [~~and continuing until~~
25 ~~January 1, 2012~~], a retired member may begin employment at a

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underscored material = new
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1 local administrative unit and shall not be required to suspend
2 retirement benefits if the member has not been employed as an
3 employee or independent contractor by a local administrative
4 unit for at least twelve consecutive months from the date of
5 retirement to the commencement of employment or reemployment
6 with a local administrative unit. If the retired member
7 returns to employment without first completing twelve
8 consecutive months of retirement, the retired member shall
9 remove [~~himself~~] the member's self from retirement.

10 B. A retired member who was retired on or before
11 January 1, 2001, has not since suspended or been required to
12 suspend retirement benefits pursuant to the Educational
13 Retirement Act and is reemployed by a local administrative unit
14 may continue employment at the local administrative unit and
15 shall not be required to suspend retirement benefits.

16 C. A retired member who returns to employment
17 during retirement pursuant to Subsection A or B of this section
18 is entitled to continue to receive retirement benefits but is
19 not entitled to acquire service credit or to acquire or
20 purchase service credit in the future for the period of the
21 retired member's reemployment with a local administrative unit.

22 D. A retired member who returns to employment
23 pursuant to [~~Subsections~~] Subsection A or B of this section
24 shall not make contributions to the fund as specified in the
25 Educational Retirement Act; however, the local administrative

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1 unit's contributions as specified in that act shall be paid to
2 the fund as if the retired member was a non-retired employee.

3 E. Beginning July 1, 2003 [~~and continuing until~~
4 ~~January 1, 2012~~], a retired member who retired on or before
5 January 1, 2001 and who has not been employed as an employee or
6 independent contractor by a local administrative unit for at
7 least ninety days may begin employment at a local
8 administrative unit without suspending retirement benefits if
9 the retired member was not employed by a local administrative
10 unit for an additional twelve or more consecutive months after
11 the initial date of the retirement; provided that the ninety-
12 day period shall not include any part of a summer or other
13 scheduled break or vacation period."

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